

### **REMARKS/ARGUMENTS**

Claims 1-40 were rejected in the present Final Office Action (hereinafter the Action). In Applicant's response filed August 31, 2010, Applicant offered to amend claim 1 to address a couple of previously undetected formality issues. However, the amendments – deletions of two letters in claim 1 – were indicated by strikethrough and were not apparent to the Examiner. Therefore, in this supplemental response, the characters are marked for deletion with double brackets. Entry of the offered amendments will not introduce any new matter, nor alter the claim scope, necessitating new search.

For at least the reasons to follow (reproduced below as presented in Applicant's response filed August 31, 2010), Applicant submits that claims 1-40 are in condition for allowance. In addition, Applicant respectfully notes that while the law grants the Examiner wide latitude in attributing the broadest reasonable interpretation to the claims, the law requires that the words of the claim are given their plain meaning as understood by those of ordinary skill in the art. A person having ordinary skill in the art at the time of the invention would not have interpreted "a transceiver" or "a transmitter" in the manner asserted by the Examiner. And even if the claim terms could be interpreted in such a manner, the claims clearly require "***a transceiver***" (or "***a transmitter***" in claims 21 and 33) that is **a component of** the phone, not an entire phone. Zalewski does not teach the claimed element. Pertilla teaches away from the recitations of the claims; further, even if without this teaching away, the cited passages of Pertilla still fail to teach or suggest the recitations of the claims. Therefore, the burden of establishing the prima facie case has not been met. Entry of the offered amendments and allowance of the pending claims is respectfully requested.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

In "Claim Rejections – 35 U.S.C. § 103" on page 2 of the present Final Office Action, claims 1-40 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over U.S. Patent No. 6,771,981 (hereinafter Zalewski).

In "Claim Rejections – 35 U.S.C. § 103" on page 6 of the present Final Office Action, claims 1-40 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Zalewski in view of U.S. Patent Application Publication No. 2004/0087273 (hereinafter Pertilla).

In response, Applicant respectfully traverses the Examiner's rejections.

Claim 1 recites "*A method for providing a radio frequency identification (RFID) comprising:*

*receiving, by a mobile communication device, an instruction to transmit a first data to a RFID reader;*  
*switching a transceiver of the mobile communication device from a first state to a second state, the transceiver configured to output voice call signals in the first state and to output RFID signals in the second state; and*  
*outputting the first data by the transceiver in the second state, the transceiver outputting the first data as a radio frequency signal in a format employed by the RFID reader (emphasis added)."*

Accordingly, when read as a **whole** as required by law, claim 1 is directed to a method for a mobile communication device to provide a radio frequency identification (RFID) to a RFID reader (effectively emulating a RFID transponder). The method requires among other things, the mobile communication device to have "(a) *transceiver configured to output voice call signals in (a) first state and to output RFID signals in (a) second state,*" and the operation of "*switching (the) transceiver of the mobile communications device from a first state (for voice call) to a second state (to emulate output of RFID)*" (emphasis added)."

In rejecting claim 1, the Examiner cited Zalewski and Perttila for support. In the Action, the Examiner admitted that Zalewski teaches the employment of a radio frequency component (element 19), which is a known component of mobile phones, disposed in the mobile station 4, to transmit and receive (voice) calls (as clearly disclosed in col. 6, lines 66-67), and a separate RFID transponder (element 110) disposed on cover 100 to provide RFID to RFID readers. However, in the Action, the Examiner reasoned, in different parts of the Action, that either the electronic device (mobile station 4) of Zalewski or its voice and RFID components collectively, can be read to suggest the required "*two state (switching required) transceiver*" of claim 1. Applicant respectfully disagrees.

With respect to the assertion that the electronic device of Zalewski (which was interpreted as the mobile communication device of claim 1 in the Final Office Action) can be read to suggest the required "*two state (switching required) transceiver,*" it is submitted that claim 1 clearly recites the "*transceiver*" as a "*transceiver of the mobile communications device.*" Accordingly, the required "*two state (switching required) transceiver*" is necessarily a component of a mobile communication device. Thus, the electronic device can

not be interpreted as having taught or suggest the “*two-state (switching required) transceiver*” component of claim 1.

With respect to the assertion that the components of Zalewski can be collectively read to suggest the required “*two state (switching required) transceiver*,” it is well settled that claim terms are to be read in accordance with their plain meaning as understood by those of ordinary skill in the art. The plain meaning of the term “transceiver” as understood by those of ordinary skill is that it is a single component for transmitting and receiving. Thus, such reading is impermissible under well settled case law.

The Examiner attempted to justify the “collective” reading by pointing to Applicant’s own illustration and description of the required “*two state (switching required) transceiver*,” pointing in particular to the illustration of Figure 1 and its corresponding description. Again, Applicant respectfully disagrees, and submits that the Examiner’s reading of Applicant description is a mischaracterization of Applicant’s teaching. In Figure 1, Applicant clearly illustrated that the hardware/software elements employed to implement the functions of voice call and RFID emulation overlap with each other, in that they are two functions in one component sharing common circuitry/software (the overlapping section). In paragraph [0026], Applicant stated “In other words, illustrative embodiments of the present invention advantageously leverage on existing elements of mobile communication device 102 and supplement them to enable mobile communication device 102 to be able to provide a RFID, emulating a RFID transponder, as well as facilitating user communication.” Applicant submits that the illustration and description of the present application when read properly, as it would be understood by a person of ordinary skill in the art, clearly disclosed a single component of “*two state (switching required) transceiver*.”

The Examiner’s citation to Zalewski’s hotel reservation example does not in any way alter this fundamental fact – that Zalewski teaches an at least two separately disposed components (without switching) approach, while claim 1 requires a “single *two state (switching required) transceiver*” approach. Applicant submits that a person of ordinary skill would clearly understand that a user of the electronic device in the hotel reservation example of Zalewski can continue to be on a voice call (using the voice component), while the door lock interrogates the RFID component separately disposed on the cover. There is simply no switching of state taught or suggested.

In Response of Argument, the Examiner asserted that Perttila teaches “sharing a common transceiver.” Applicant respectfully disagrees. In the relevant part of [0116], Perttila stated that “However, because of the transmissions performed with the network are high-frequency signal relative to the RF signals used in connection with the RFID 930, it may not be practical or possible to share the transceiver, although it is possible in some implementations.” Applicant submits that in this passage, Perttila is actually discouraging or teaching away from combining voice and RFID circuitry, as Perttila stated: while it is possible for some implementations, it “may not be practical or possible.”

Moreover, even if the above passage is read to suggest “sharing (of) a common transceiver,” Perttila merely taught or suggested the joint implementation of voice call function with a RFID reader function in a shared transceiver. Perttila did not suggest the required single component “*two state (switching required) transceiver*” for voice call and RFID transponder functions. (Note that RFID transponder is the counterpart of RFID reader, not the RFID reader itself. Accordingly, Perttila does not remedy this deficiency of Zalewski.

Thus in view of the foregoing, Zalewski’s teaching of employing two separate (no switching required) components, one for voice call, disposed in the body of electronic device, and another for providing RFID, disposed in the cover, not only does not suggest the required “*two state (switching required) transceiver*” component of claim 1, but teaches away from such recitation. Therefore, for at least the above reasons, even if the Examiner’s reading of Perttila is correct (which Applicant does not concede), Zalewski in view of Perttila still does not suggest claim 1.

Independent claims 13, 21 and 33 include generally similar recitations to claim 1. Therefore, independent claims 13, 21 and 33 are allowable for at least similar reasons with respect to claim 1.

Claims 2-12, 14-20, 22-32, and 34-40 depend from claim 1, 13, 21, or 33, thereby incorporating the recitations of their respective base independent claim. Therefore, due to the same reasons with respect to the independent claims, claims 2-12, 14-20, 22-32, and 34-40 are allowable.

## **CONCLUSION**

In view of the foregoing, reconsideration and allowance of the pending claims is respectfully solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 381-8819. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

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/Jo Ann Schmidt /  
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